



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.R. Thompson

Serial No. 10/646,593

Filed: August 22, 2003

For: COMPOSITIONS AND METHODS OF PREVENTING  
OR REDUCING THE RISK OR INCIDENCE OF  
SKELETAL INJURIES IN HORSESArt Unit: 1617Examiner: To be assignedCommissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Luisa Torres Date 11/13/03

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

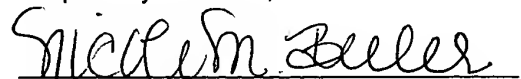
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE
09/902,913	July 11, 2001	20696

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Nicole M. Beeler

Attorney For Applicant(s)

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Date: November 13, 2003

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>			<b>COMPLETE IF KNOWN</b>	
			Application Number	10/646,593
			Filing Date	August 22, 2003
			First Named Inventor	D.R. Thompson
			Group Art Unit	1617
			Examiner Name	
			Attorney Docket Number	20696CA
Sheet 1	of 2			

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Examiner Signature	/Kara McMillian/	Date Considered	09/11/2008
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO

# INFORMATION DISCLOSURE

## STATEMENT BY APPLICANT

(use as many sheets as necessary)

2

of

2

### COMPLETE IF KNOWN

Application Number 10/646,593

Filing Date August 22, 2003

First Named Inventor D.R. Thompson

Group Art Unit 1617

Examiner Name

Attorney Docket Number 20696CA

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
/K.M./	AA	Mundy, Proc. Annual Conference of American Association of Equine Practitioners (1997), pp. 204-210
	AB	Hoekstra et al., Association for Equine Sports Medicine Proceedings, AGM, "Stalling young horses alters normal bone growth", Leesburg, VA (1998), pp. 11-14
	AC	Estberg, et al., Journ. of Amer. Veter. Med. Assoc., Vol. 212(4) (1998), "Relationship between race start characteristics and risk of catastrophic injury in Thoroughbreds: 78 cases (1992)", pp. 544-549
	AD	Carrier, et al., Journ. of Amer. Veter. Med. Assoc., Vol. 212(10) (1998), "Association between long periods without high-speed workouts and risk of complete humeral or pelvic fracture in Thoroughbred racehorses: 54 cases (1991-1994)", pp. 1582-1587
	AE	Buckingham et al., Veterinary Record, Vol. 128 (1991), "Osteopenic effects of forelimb immobilisation in horses", pp. 370-373
	AF	Johnson, et al., Equine Veterinary Journal, Vol. 26(4) (1994), "Causes in death in racehorses over a 2 year period", pp. 327-330
	AG	Porr, et al., Journ. of Animal Science, Vol. 76 (1998), "Deconditioning reduces mineral content of the third metacarpal bone in horses", pp. 1875-1879
	AH	Estbert, et al., Journ. of Amer. Veter. Med. Assoc., Vol. 208(1) (1996), "Fatal musculoskeletal injuries incurred during racing and training in Thoroughbreds"
	AI	Estbert, et al., Amer. Journ. of Veter. Research, Vol. 57(11) (1996), "High-speed exercise history and catastrophic racing fracture in Thoroughbreds", pp. 1549-1555.
	AJ	Lepage et al., Ann. Med. Vet., Vol. 132 (1998), "L'emploi d'un bisphosphonate (APD) dans la prevention des exostoses chez le poney Shetland. Etude preliminaire.", pp. 391-399
	AK	Lepage, et al., Ann. Med. Med. Milit. Beig., Vol. 3(2) (1989), "Aspects microradiographiques et en microscopie de fluorescence d'une excostose experimentale du metcarpien chez le poney Shetland et de son traitement par un bisphosphonate, L'AHPrBP (APD) ...", pp. 38-44
↓	AL	Estberg, et al., Preventative Vet. Med., Vol. 33 (1998), "A case-crossover study of intensive racing and training schedules and risk of catastrophic musculoskeletal injury and lay-up in California Thoroughbred racehorses", pp. 159-170

Examiner Signature

/Kara McMillian/

Date Considered

09/11/2008

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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